

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 22-14089-CV-MIDDLEBROOKS/Maynard

KRISTINA N. WEAVER,

Plaintiff,

v.

SCHRAIER INVESTMENTS 116 LLC d/b/a
TROPICAL SMOOTHIE CAFÉ and AMBER
SCHRAIER,

Defendants.

ORDER CLOSING CASE

THIS CAUSE comes before the Court upon the Parties' Joint Stipulation of Dismissal With Prejudice, filed on August 10, 2022. (DE 22). Having reviewed the Stipulation, and being otherwise fully advised in the premises, this case is dismissed with prejudice.

Plaintiff alleges violations of the overtime and minimum wage provisions of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq. (DE 1). When a private action is brought under the FLSA and is subsequently settled, "the district court may enter a stipulated judgment after scrutinizing the settlement for fairness." *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1353 (11th Cir. 1982) (internal citations omitted). In scrutinizing the settlement for fairness, a court must determine whether the settlement is a "fair and reasonable resolution of a bona fide dispute over FLSA provisions." *Id.* at 1355. While the provisions of the Act are mandatory, the Eleventh Circuit has recognized that there may be bona fide disputes as to FLSA coverage and therefore a district court may approve a settlement to "promote the policy of encouraging settlement of litigation." *Id.* at 1354.

Here, the Parties represent that at mediation they reached a settlement. (DE 22 ¶ 1). Defendants disclosed that they recently acquired the business from a previous owner, and expressed its position that they were not legally liable for violations occurring prior to their involvement with the business. (*Id.* ¶ 2). “In the interest of judicial economy and efficiency,” Plaintiff agreed to dismiss the claims with prejudice and Defendants agreed to cover the costs of mediation. (*Id.* ¶ 3). Each party will otherwise bear their own attorney’s fees and costs. (*Id.*). In light of these representations, I find this settlement arrangement to be a fair resolution of this FLSA dispute.

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

- (1) The Court **APPROVES** of the Parties’ settlement arrangement as expressed in the Joint Stipulation of Dismissal With Prejudice (DE 22).
- (2) This action is **DISMISSED WITH PREJUDICE**.
- (3) The Clerk of Court shall **CLOSE THIS CASE**.
- (4) Any pending motions are **DENIED AS MOOT**.

SIGNED in Chambers at West Palm Beach, Florida, this 11th day of August, 2022.

A handwritten signature in black ink, appearing to read "Donald M. Middlebrooks", written over a horizontal line.

Donald M. Middlebrooks
United States District Judge

cc: Counsel of Record